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10/030,196	05/28/2002	Rolf Heddrich	Metal 1285-WCG	9092

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EXAMINER

JULES, FRANTZ F

ART UNIT PAPER NUMBER

3617

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

10/030,196

Applicant(s)

HEDDRICH ET AL.

Examiner

Frantz F. Jules

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 20-27 are objected to because of the following informalities:

In claim 20, line 12, the phrase "a support plate" should be changed to --a horizontal support plate--. Similar change should be made to claim 21, line 13.

In claim 20, line 13, the phrase "a support plate" should be changed to --another horizontal support plate--. Similar change should be made to claim 21, line 15.

In claim 22, line 6, the word "the" should be inserted in front of the word bolts.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, line 13, the word "it" is confusing as it is unclear which particular one of the numerous structures recited above applicant is referring to. It is suggested that the word it be replaced by the structure it represents. Similar problem exists in claim 19, line 15, claim 20, line 13, line 14, claim 21, line 16, line 17.

In claim 19, line 15, the phrase "said plates" is confusing as it is unclear which particular ones of the numerous plates recited above, such as "side wall web plates", "a base

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plate", "stator support web plate", and "plate", applicant is referring to. Similar problem exists in claim 19, line 16.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 19 is rejected under 35 U.S.C. 102(e)(1) as being anticipated by zinke (DE 197 35 471 C1).

Claim 19

Zinke discloses a track support for support of the track of a magnetic levitation railway, consisting of a steel support in the shape of an inverted trapezoid, having sides formed of side wall web plates (25), an upper base formed by a cover plate (3), which cover plate has a top side and an underside, and a lower base formed of a base plate (not numbered), see fig. 1, the side wall web plates (25) being mounted to the underside of the cover plate and converging at an angle towards and being connected to the base plate, the cover plate projecting laterally over and extending from each side wall to form cantilever arms extending from each side as shown in fig. 3, said cantilever arms each having an upper side and an underside with a stator support web plate (22) projecting approximately perpendicularly from the underside of each cantilever arm, at

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approximately the middle thereof; and a side guidance rail projecting approximately perpendicularly from the underside of each cantilever arm at the end thereof, a plate (18) being arranged between the end of the stator support web plate and the side wall web plate adjacent to it and between the end of the stator support web plate and the side guidance rail adjacent to it, said plates (18, 17) having an upper side and an underside, a pair of web flanges (5' positioned on each side of stator pack 7 as shown in fig. 1) projecting from the undersides of said plates (17, 18) beneath each of said cantilevers and being parallel to and equidistant from an imaginary extension of said stator support webs, a stator pack being supported between each of said pair of web flanges.

***Allowable Subject Matter***

6. Claims 22, 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. None of the references of record suggests a track support comprising web flanges supporting a stator pack through bolt passing therethrough, wherein the stator pack has cross grooves on each side thereof into which a grooved cross member is inserted and said stator packs are supported between the flanges by securing said cross members between each of said pair of flanges by bolts inserted through the flanges and screwed into internal threads in the cross members and by fixing pins pressed into and through the second holes into the cross members in the manner defined in the instant claim 22 and in combination with other limitations of the claim.

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7. Claims 20-21, 23-24, 26-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. None of the references of record suggests a track support wherein a pair of stator support web plates projecting approximately perpendicular from the underside of each cantilever arm are provided such that a support plate connecting each side wall web plate to the stator support closest thereof and a another support plate connecting each guidance rail to the stator support web plate closest thereof are also provided, whereby a stator pack is supported between each of said pair of stator support web plates in the manner defined in the instant claim 20 and in combination with other limitations of the claim.

Also, none of the references of record suggests a track support wherein a pair of stator support web plates projecting from the underside of each cantilever arm at approximately the middle thereof and diverging away from each other at an acute angle of from 15 to 30 degrees along their projected length are provided in the manner defined in the instant claim 21 and in combination with other limitations of the claim.

### ***Response to Arguments***

8. Applicant's arguments filed 09/15/03 have been fully considered but they are moot in view of the new grounds of rejection.

The newly added rejection of claim 19 by the prior art of record Zinke is proper as Zinke meet all the limitations of the claim as amended.

### ***Conclusion***

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Frantz F. Jules  
Examiner  
Art Unit 3617

FFJ

October 22, 2003

FRANTZ F. JULES  
PATENT EXAMINER  
